

August 22, 2022

**VIA ECF**

Honorable Judge Robert W. Lehrburger  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: PDV USA, Inc. v. Interamerican Consulting Inc., Case No.: 1:20-cv-03699-JGK-RWL

Dear Judge Lehrburger:

We represent Interamerican Consulting Inc. (“Interamerican”) in the above-referenced case. In accordance with Rule II.D. of Your Honor’s Individual Practices and Local Civil Rule 37.2, we file this letter in response to the letter submitted by PDV USA, Inc. (“PDV USA”) requesting a pre-motion conference on August 18, 2022.

The parties’ dispute centers around a document referenced at the deposition of Interamerican that is the subject of a sealed proceeding (referred to herein as the “FBI Memo”). When asked at the deposition of Interamerican about whether the document had been produced, counsel for Interamerican initially could not recall whether the FBI Memo had been produced.

Upon further investigation, counsel for Interamerican realized that the document had not been produced, because it was non-responsive to PDV USA’s document request. The document—dated September 16, 2021—fell outside PDV USA’s specified date range in its Requests for Production. PDV USA specifically sought documents and communications between January 1, 2017 and September 15, 2021.

After a formal request by PDV USA to produce the document, counsel for Interamerican learned from separate counsel for David Rivera in another proceeding before the Southern District of Florida the FBI Memo is part of a sealed filing in the Southern District of Florida as to which the requirement of sealing remains in place. Interamerican has been unable to obtain copies of orders maintaining the sealing of the FBI Memo filing or other filings in that matter because the entirety of that proceeding is itself sealed. Notwithstanding the foregoing, counsel for David Rivera in this separate proceeding is prepared to testify *in camera* before this Court to explain the sealed nature of this document.

For the reasons set forth herein, Interamerican respectfully requests that the Court deny the relief sought in PDV USA’s letter.

Respectfully submitted,

/s/ Jason Johnson

**Tucker H. Byrd**

Florida Bar No. 381632

**Jason Johnson**

Florida Bar No. 186538

**BYRD CAMPBELL, P.A.**

180 Park Avenue North, Suite 2A

Winter Park, Florida 32789

Telephone: (407) 392-2285

Facsimile: (407) 392-2286

Primary Email: TByrd@ByrdCampbell.com

Primary Email: JJohnson@ByrdCampbell.com

*Counsel for Defendant/Counter-Plaintiff*

Henry L. Saurborn, Jr.

Kaiser, Saurborn & Mair

30 Broad St., 37th Floor

New York, New York 10001

Telephone: (212) 338-9100

saurborn@ksmlaw.com

*Counsel for Defendant/Counter-Plaintiff*

CC: All counsel of record (by ECF)